

Notice of Allowability

Application No.

09/723,746

Examiner

Tony Mahmoudi

Applicant(s)

SZMANDA ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 26-November-2004.
2. ☒ The allowed claim(s) is/are 19-32, re-numbered as claims 1-14.
3. ☒ The drawings filed on 28 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

C. Rones
CHARLES RONES
PRIMARY EXAMINER

DETAILED ACTION

Remarks

1. In response to the Appeal Brief filed on 26-November-2004, claims 19-32 are pending in the application.

Allowance

2. Claims 19-32 are allowed over the prior art made of record.
3. The following is an examiner's statement of reasons for allowance:

The Appellants' arguments made in the Appeal Brief, filed on 26-November-2004, have been fully considered and are found persuasive, in that the cited prior art does not teach or suggest "a waste stream monitoring module operable for monitoring production of items produced by a plurality of waste stream providers; and determining an amount of reusable raw materials contained in a plurality of waste streams resulting from said production"; and "a waste stream provider interface and communications link", as recited in independent claims 19 and 26.

The prior art of record, Suzuki et al (U.S. Patent No. 6,226,617), Sziklai et al (U.S. Patent No. 6,341,287), and Fahey (U.S. Patent No. 5,970,476), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

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a waste stream monitoring module for:

monitoring production of items produced by a plurality of waste stream providers;

and

determining an amount of reusable raw materials contained in a plurality of waste streams resulting from said production;

a waste stream provider interface and communications link for communicating production information from said plurality of waste stream providers to said waste stream monitoring module, as claimed in claim 19.

Claims 20-25 are allowed over the prior art made of record because they are dependents from the allowed independent claim 19.

The prior art of record, Suzuki et al (U.S. Patent No. 6,226,617), Sziklai et al (U.S. Patent No. 6,341,287), and Fahey (U.S. Patent No. 5,970,476), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

monitoring production of items produced by a plurality of waste stream providers and determining an amount of reusable raw materials contained in a plurality of waste streams resulting from said production via a waste stream monitoring module;

communicating production information from said plurality of waste stream providers to said waste stream monitoring module via a waste stream provider interface and communications link, as claimed in independent claim 26.

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Claims 27-32 are allowed over the prior art made of record because they are dependents from the allowed independent claim 26.


Conclusion

4. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

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February 2, 2005


CHARLES RONES
PRIMARY EXAMINER